

AGENDA
TEXAS BOARD OF PROFESSIONAL ENGINEERS
REGULAR QUARTERLY BOARD MEETING
1917 IH35 SOUTH
AUSTIN, TX 78741
AUGUST 20, 2009 – 10:30 A.M.

Call to Order. (G. Kemble Bennett, Ph.D., P.E., Presiding Officer)

1. Roll Call and Welcome Visitors.
2. Public Comment.
3. Consent Agenda (**The following items may be acted upon under Consent Agenda and are marked with an asterisk* on the Regular Quarterly Board Meeting Agenda**)
 - June 17, 2009, Enforcement Committee Minutes (**See agenda item #5**)
 - June 17, 2009, Policy Advisory Opinion Committee Minutes (**See agenda item #6**)
 - June 17, 2009, Licensing Committee Minutes (**See agenda item #7**)
 - June 18, 2009, General Issues Committee Minutes (**See agenda item #8**)
 - June 18, 2009, Regular Quarter Board Meeting Minutes (**See agenda item # 4**)
 - Administrative Reports and Status of Court Cases/Dismissed Cases (**See agenda item #16**)
 - Licensing Applications. (**See agenda item #20**)

Discuss and Possibly Approve Board Minutes:

4. ***(Consent Agenda)** Discuss and possibly approve minutes of the June 18, 2009, Regular Quarterly Board Meeting.

Discuss and Possibly Accept Committee Minutes:

5. ***(Consent Agenda)** June 17, 2009 Enforcement Committee Minutes
6. ***(Consent Agenda)** June 17, 2009, Policy Advisory Opinion Committee Minutes
7. ***(Consent Agenda)** June 18, 2009, Licensing Committee Minutes
8. ***(Consent Agenda)** June 18, 2009, General Issues Committee Minutes

Discuss and Possibly Act on Reports:

9. Budget Reports (Jeff Mutscher)
 - FY2010 Budget-Approval
10. Board Members' Activity Reports
11. Emeritus Members' Activity Reports

Discuss and Possibly Act on Issues Regarding Committee Reports or Items on the Committee Agendas:

12. Licensing Committee (Shannon K. McClendon, Acting Chair) (**See Licensing, Orange Tab**)
 - Proposed Rule Adoption (**See Licensing Tab 4**)
 - §133.63 - Texas Engineering Professional Conduct and Ethics Exam
 - §133.81 - Receipt and Processing of Applications by the Board
 - Discussion of MBA findings regarding sealing reference statements
 - Discussion of Licensure Process for Structural Engineers
 - Application and Evaluation Report (**See Licensing Tab 8**)
 - Update on Agreement with Engineers Canada
 - Report on Software Engineering
13. Policy Advisory Opinion Committee Report (Gary Raba, D. Eng., P.E.) (**See Policy Advisory Opinion (PAO), Green Tab**)
 - EAOR # 7 – Construction Materials Testing— Review of any comments from the Texas Register posting of the amended opinion. To be considered for acceptance (**See PAO Tab 5**)
 - EAOR #23 – Engineering Aspects of Facilities Assessment – Review of any comments from the Texas Register posting of the draft opinion and possible consideration for acceptance (**See PAO Tab 6**)
 - EAOR #24 – Procurement of Engineering Services of Public Projects – Review of any comments from the Texas Register posting of the draft opinion and possible consideration for acceptance (**See PAO Tab 7**)
 - EAOR #25- Licensure requirements for corrosion control services for water transmission and distribution pipelines. Presentation and discussion of research material gathered related to this request. Consideration for acceptance or rejection. (**See PAO Tab 8**)
 - EAOR #26 – Request for Board's opinion on what defines a structure as being a hazard or unsafe for the purpose of local code enforcement. Consideration of staff response or acceptance as an opinion request. (**See PAO Tab 9**)
 - EAOR #27 – Request for Board's opinion on what defines a structure as being a hazard or unsafe for the purpose of local code enforcement. Consideration of staff response or acceptance as an opinion request. (**See PAO Tab 10**)

Discuss and Proposed Rule Adoptions:

14. Proposed Rule Adoptions (Lance Kinney, P.E.)
 - §137.9 - Renewal for Expired License
 - §137.17 - Continuing Education Program
 - §137.31 - Seal Specifications

- §139.51 - License Suspension Based on Delinquent Child Support
- §139.63 - Extensions of Time

Discuss and Possibly Act on Reports or Items reported by Executive Director:

- Executive Director's Report: (Dale Beebe Farrow, P.E.)
 - Activity Report
 - Emeritus Member Annual Report and Continuation of Service
 - Rule Strategic Plan
 - eNewsletter
 - Engineering Education Task Force Report (BS+30)
 - Report on NCEES Annual Meeting-Louisville, Kentucky
 - Update on TSPE vs. TBAE lawsuit
 - Outreach Activities

Discuss and Possibly Act on Enforcement/Disciplinary Matters: (C.W. Clark, P.E.)

- *(**Consent Agenda**) Administrative Reports and Status of Court Cases/Dismissed Cases.
- Agreed Board Orders.
None
- Consent Orders.
 - Disciplinary Matters – Non-Practice Violations
 - Kelly Ann Barney, P.E.
 - William Gray Hodge, P.E.
 - Ramon Ramirez, P.E.
 - Disciplinary Matters – Practice Violations
 - Todd Andrew Cormier, P.E.
 - Deborah D. Mason, P.E.
 - Lawrence P. Perez, P.E.
 - Sanctions Against Non-License Holders
 - George Thomas Crowder
 - Rick L. Manchester
 - Firm Registrations/Sole Proprietorship Sanctions
None
 - Cease and Desist Order, Agreements, Injunctions/Default Judgments, Criminal convictions, and Other Items
 - Agreements
 - The Honorable Ken Bowers, Princeton City Mayor
- Status of State Office of Administrative Hearings Cases (Jeb Boyt, Esq.)

Discuss and Possibly Act on Licensing Applications Requiring Board Ruling: (David Howell, P.E.)

- *(**Consent Agenda**) Licensing Applications
Vote or Reconfirm Votes Pursuant to Board Rule §133.87:
 - Approved for Licensure
 - Not Approved for Licensure
 - Waivers – Both
 - Waivers – PE
 - Waivers – FE
 - Approved for Exams
 - Exams Not Approved
 - Firms Approved
 - Firms Not Approved
 - Firms Auto Not Approved

Discuss and Possibly Act on Other Matters (G. Kemble Bennett, Ph.D., P.E.)

- Issues from Board members for future meetings.
- Future TBPE meeting dates

Adjourn.

The Board may meet in closed session on any agenda item listed above as authorized by the Texas Open Meetings Act, Tex. Gov't. Code Ann. Chapter 551.



Individuals needing special accommodation should contact the Texas Board of Professional Engineers at (512) 440-7723, in a timely manner.